IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12215 of 2004

Between:

M. Peddanna S/o M. Narayana
Presently Working at Gooty Depot, Gooty, Ananthapur District

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Kalyandurg Depot,

Kalyandurg, Ananthapur District
2 The Divisional Manager, APSRTC,

Ananthapur Division, Ananthapur

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the 2nd respondent in not reviewing the punishment of deferment of two annual increments with cumulative effect imposed in Proc. No. PA/20(417)/92-DVM/A dated 7-12-1992 as illegal, arbitrary and in violation of Art, 14 and 21 of the constitution of India and consequently direct the respondents to add two annual increments to the pay of the petitioner.

Counsel for the Petitioner:Mr.S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the stage of admission made the following ORDER:

A charge sheet was issued to the petitioner on 21-03-1992 for causing a fatal accident on 05-03-1992 at about 6-20 a.m. resulting in the death of a pedestrian aged about 35 years, for which, the petitioner gave an explanation. After issuing show cause notice, he was removed from service. Thereafter, he filed an appeal before the second respondent aggrieved by the orders passed by the disciplinary authority. The appellate authority set aside the punishment of removal from service passed by the disciplinary authority but imposed a penalty of deferment of two annual increments with cumulative effect. The police after conducting investigation, filed charge sheet under Section 304-A IPC and the case was ended in acquittal. Thereafter, he filed a review petition before the second respondent to reconsider his case consequent upon his acquittal in the criminal case but so far, no orders have been passed. Hence, he filed the present writ petition.

The petitioner was acquitted in the criminal case, which does not mean that he has to be exonerated from the departmental enquiry. It is for the second respondent to take appropriate decision and pass orders as per rules and regulations of the Corporation on the review petition filed by the petitioner. Therefore, the second respondent is directed to review the case of the petitioner and pass appropriate orders as per law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. In the circumstances, no costs.

16th JULY, 2004.

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To

1 The Depot Manager, APSRTC, Kalyandurg Depot,

Kalyandurg, Ananthapur District

2 The Divisional Manager, APSRTC,

Ananthapur Division, Ananthapur

3 Two CD copies.